

City of Elmira and the Elmira Urban Renewal Agency

Whistle Blowers' Policy

The residents of the City of Elmira are entitled to and demand a government committed to the highest standard of integrity, honesty, efficiency, and accountability. Misconduct involving corruption, fraud, criminal activity, conflicts of interest, or abuse by City/Agency officers and employees undermines public confidence in government and prevents government from operating honestly, efficiently, and effectively.

City/Agency employees have a duty to report to the City/Agency any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse by another employee relating to his/her office or employment. New York State has a whistle blower law which protects City/Agency employees who report any instances of corruption, fraud, criminal activity, conflicts of interest, or abuse. The Whistle Blowers' Policy protocol is as follows:

1. Every City/Agency officer or employee shall promptly report to his/her department supervisor any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse by another City/Agency officer or employee relating to his/her office or employment, or by a person having business dealings with the City/Agency.
2. If a City/Agency officer or employee has any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse by his/her supervisor, the City/Agency employee or officer shall report said information to the City Corporation Counsel.
3. As an alternative to the reporting requirements set forth in Paragraph 1 and 2, every City/Agency officer or employee may promptly report any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse by another City/Agency officer or employee, his/her supervisor, or by a person having business dealings with the City/Agency directly to the City Manager.
4. The knowing or intentional failure of any City/Agency officer or employee to so report information of improper governmental action shall be cause for removal from office or employment or other appropriate penalty.
5. Any City/Agency officer or employee who acts pursuant to this Policy by reporting improper governmental action as defined in Civil Service Law Section 75-b shall not be subject to dismissal or other disciplinary or adverse personal action if said

action violates Civil Service Law Section 75-b. New York State Civil Service Law Section 75-b provides in part as follows:

A public employer shall not dismiss or take other disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee discloses to a governmental body information: (i) regarding a violation of law, rule or regulation which violation creates or presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action.

6. Any supervisor who receives from an employee any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse shall immediately inform the City's Corporation Counsel.
7. Any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse received pursuant to this Policy shall be immediately forwarded to the City's Corporation Counsel.
8. Whenever City Corporation Counsel receives any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse, he/she shall investigate the matter and, if appropriate, notify the authorities, including but not limited to, the City Manager, and/or NYS Comptroller, Chemung County District Attorney, and the NYS Attorney General.